IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION No. 22429 of 2004

Between:

Madem Appalarjulamma W/o.Ayappa
Kothapeta Village, Rambilli (M),
Visakhapatnam Dist. ..... PETITIONER

AND

1 The Assistant Collector,
Narsipatham, Visakhapatnam District.
2 Nallamanti Nukaraju S/o.Venkanna
R/o Rambilli, Visakhapatnam.
3 N.Venkanna S/o.Venkanna
R/o Rambilli, Visakhapatnam. .....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the 1st respondent in initiating the proceedings in LCC No.LCC 1079/75/YLM, dated 11-11-2004 is without jurisdiction, by issuing a Writ, Order, Direction more particularly one in the nature of Writ Mandamus and consequently direct the 1st respondent to refrain from proceeding further pursuant to the proceedings in LCC No.1079/75/YLM, dated 11-11-2004.

Counsel for the Petitioner : Mr.G.RAMA GOPAL

Counsel for Respondent No.1 : G.P. FOR REVENUE

The Court made the following :

ORDER:

Assailing the notice issued in Form No.I by the first respondent in proceedings L.C.C.No. 1079/75/YLM, dated 11.11.2004 under Rule 3 of the A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977, the present writ petition is filed.

The petitioner claims to be owner of land admeasuring Ac.3-50 cents in Survey No.353/2 of Rambilli village having purchased the same from respondents 2 and 3 under Agreement of Sale dated 7.8.1981. The petitioner states that there was a dispute between him and respondents 2 and 3 with regard to delivery of possession of property and which was ended in a compromise before Lok Adalat in P.L.C.No.233 of 2004 and by virtue of the said compromise, he has been in possession and enjoyment of the property. The petitioner states that, meanwhile, the first respondent issued notice in Form No.I in proceedings L.C.C.No. 1079/75/YLM, dated 11.11.2004 under Rule 3 of the A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977 calling upon the petitioners as to why they should not be summarily evicted from the land in question. Being aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for petitioner and the learned Government Pleader for Revenue and both of them agreed for disposal of the writ petition at the stage of admission.

Prima facie, the impugned notice dated 11.11.2004 is only a show cause notice issued by the first respondent calling upon the petitioners as to why they should not be summarily evicted from the lands in question. It is axiomatic that ordinarily this Court shall not exercise its jurisdiction at the stage of notice for there is no decision as such requiring judicial review. Admittedly, petitioner is having opportunity to place her case before the authority concerned by way of representation/appeal against such order.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the petitioner to submit her explanation/representation to the said show cause notice dated 11.11.2004 before the first respondent and on such explanation/representation being filed, the first

respondent is directed to consider and dispose of the same, in accordance with law, as expeditiously as possible. There shall be no order as to costs.

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N.V.RAMANA, J

Date: 24.1.2005

DA/KSR

To

1 The Assistant Collector, Narsipatham, Visakhapatnam District.

2 Two CCs to the G.P.for Revenue, High Court Buildings,

Hyderabad (OUT).

3 Two CD copies.